

THE *Jan 24 182*
C A S E
O F *ct*

Peter Slynehead,

Relating to a

P U R G A T I O N

Tendered by Spiritual Judges, even in Contempt of
our Late Kings and Parliaments, and their Statute
Laws, on purpose to violate the Intention thereof,
and render the said Statutes defective and ineffectual
to the Queen's Loyal and Loving Subjects :

Most Humbly offered to the Consideration of both
Houses of Parliament, in order to procure an Act
for the better Explaining of the said Clauses in the
aforesaid Statutes, tending to prohibit a Purgation,
and the Judge's Tender thereof.

6

L O N D O N :

Printed in the Year MDCCVII.

THE

JAN 29 1927

THE
CONTENTS
OF THE
CHAPTERS.

- Chap. I. **S** *Hewing what has been the Practice of Spiritual Judges, touching the Defendant's Purgation, and their own Accusation.*
- Chap. II. *Shewing the Statute Laws for the abolishing of these Agrievances, touching the Defendant's Accusation and Purgation by Spiritual Judges.*
- Chap. III. *Shewing the Defects of this Statute, and an Act of Parliament for the Explanation thereof.*
- Chap. VI. *Shewing a Sentence of Purgation given against me at Chester, and confirmed by another at York.*
- Chap. V. *Shewing the Reasons why Spiritual Judges will offer the Defendant a Purgation.*
- Chap. VI. *Shewing another sort of Reasons why the Parliament made a Law to protect the Defendant from accusing or purging himself.*

The Contents.

- Chap VII. *Shewing what Doctor Wainewright, and some Men pretend concerning his Sentence of Purgation, and my Answer thereto.*
- Chap. VIII. *Shewing the Nature of Doctor Wainewright's Tender of Purgation, whether with an Oath, or without an Oath, and his Intention therein.*
- Chap. IX. *Shewing the Nature of Doctor Wainewright's Sentence of Choice, and his Intention therein.*
- Chap. X. *Being some Questions humbly offered to the Consideration of both Houses of Parliament, touching the Tender of a Purgation.*
- Chap. XI. *Shewing what some Men may suggest, who know not Doctor Wainewright's Proof against me, and my Answer thereto.*
- Chap. XII. *Shewing what some Men may pretend touching an Act of Explanation, in order to prevent a Purgation, and my Answer thereto.*
- Chap XIII. *Shewing my humble Petition to both Houses of Parliament, touching the Tender of a Purgation, and the prohibiting thereof.*

Peter Slynehead's CASE,
TOUCHING
PURGATION.

CHAP. I.

Shewing what has been the Practice of Spiritual Judges, touching the Defendant's Purgation and their own Accusation.

1. **S**piritual Judges were wont to cite Persons into their Courts, upon a publick Fame of some pretended Crime; and then object Articles against the Partys appearing, commanding them to take their Oaths, and make Answer as to the Truth of their own proper Fact.

2. And if the Partys refused to take their Oaths, they were to be Excommunicated for their Contempt; or if they refused to answer the Articles objected, they were to be proceeded against as if they had confessed them, or been proved by Witnesses.

3. Or if a Church-warden presented a Man for some pretended Crime, or publick Fame, altho' the Defendant denied
B upon

upon his Oath both the Crime and the Fame, yet Canonical Purgation might be enjoyned upon the Defendant.

4. And if the said Defendant made default in performing his Purgation, then he was pronounced as Convict, and publick Penance enjoyned him, without Proof of either Fact or Fame, only upon the Church-warden's Presentment.

5. Yea, if a Common Promoter presented a Man for some pretended Crime, and offered to prove the same, but failed in Proof thereof, then the Spiritual Judge tendered the Defendant a Purgation upon his Oath, to purge himself from the Crime objected.

6. And if the Defendant made Default in purging himself, then the Judge did convict him guilty of the Crime objected, and enjoyned him to publick Pennance, besides paying the Common Promoter his Cost of Suit.

7. And a Purgation was administred to the Defendant upon his Oath ; for their Law commands the Judge to administer unto the Defendant this following Oath, *Viz. That he hath not committed the Crime objected, or that he is not guilty thereof.*

8. The Judge also commands the Defendant to provide some honest Men of his Parish to be his Compurgators, and swear that they believe the Defendant is innocent of the Crime objected, and that he hath taken a true Oath.

9. And for these Agrievances to the King's Subjects, by Spiritual Judges, the Kings and Parliaments made some Statute Laws for to restrain and prohibit the same, upon a Penalty upon him who should offend therein.

[3]

C H A P. II.

*Shewing the Statute Laws for the abolishing of
these Agrievances, touching the Defendant's
Accusation and Purgation by Spiritual Judges.*

16 Car. 1. Chap. 11. p. 4.

AT the Parliament begun at *Westminster* the Third Day of November, Anno Domini 1640. And be it also Enacted by the Authority aforesaid, That no Arch-Bishop, Bishop, nor Vicar General, nor any Chancellor, Official, nor Commissary of any Arch-Bishop, Bishop, or Vicar General, nor any ordinary whatsoever, nor any other Spiritual or Ecclesiastical Judge, Officer, or Minister of Justice, nor any other Person or Persons whatsoever, exercising Spiritual or Ecclesiastical Power, Authority, or Jurisdiction, by any Grant, License, or Commission of the King's Majesty, his Heirs or Successors, or by any Power or Authority derived from the King, his Heirs or Successors, or otherwise, shall from and after the First Day of August, which shall be in the Year of our Lord God One Thousand Six Hundred Forty and One; Award, Impose or Inflict any Pain, Penalty, Fine, Amercement, Imprisonment, or other Corporal Punishment, upon any of the King's Subjects for any Contempt, Misdemeanour, Crime, Offence, matter or thing whatsoever, belonging to Spiritual or Ecclesiastical Cognizance or Jurisdiction. 2. Or shall ex Officio, or at the Instance or promotion of any other Person whatsoever, urge, enforce, tender, give or minister unto any Church-warden, Sydesman, or other Person whatsoever, any Corporal Oath, whereby he or she shall or may be charged or obliged to make any Presentment of any Crime or Offence or to confess or accuse himself or her self, of any Crime, Offence, Delinquency, or Misdemeanour, or any neglect, matter or thing,

[4]

thing, whereby, or by reason whereof, he or she shall or may be liable, or exposed to any Censure, Pain, Penalty, or Punishment whatsoever. 3. Upon pain and penalty that every Person who shall offend contrary to this Statute, shall forfeit and pay treble Damages to every Person thereby grieved, and the Sum of One Hundred Pounds to him or them that shall first demand and sue for the same; which said treble Damages and Sum of One Hundred Pounds, shall and may be demanded and recovered by Action of Debt, Bill, or Complaint, in any Court of Record, wherein no Privilege, Essoynd, Protection, or Wager of Law, shall be admitted or allowed to the Defendant. 4. And be it further Enacted, That every Person who shall be once convicted of any Act or Offence prohibited by this Statute, shall for such Act or Offence, be from and after such Conviction, utterly disabled to be or continue in any Office or Employment, in any Court of Justice whatsoever, or to exercise or execute any Power, Authority, or Jurisdiction, by force of any Commission, or Letters Patents of the King, his Heirs or Successors.

C H A P. III.

*Shewing the Defects of this Statute, and an Act
of Parliament for the Explanation thereof.*

1. **B**Eing this Statute saith, That no Spiritual or Ecclesiastical Judge, shall from and after the First Day of August, which shall be in the Year of our Lord God One Thousand Six Hundred Forty and One, Award, Impose, or Inflict any Pain, Penalty, Fine, Amercement, Imprisonment, or other Corporal Punishment, upon any of the King's Subjects, for any Contempt, Misdemeanour, Crime, Offence, matter or thing whatsoever, belonging to Spiritual or Ecclesiastical Cognizance or Jurisdiction.

2. And this Statute also saith, That no Spiritual or Ecclesiastical Judge shall, from and after the Day aforesaid, urge, enforce, tender, give, or administer unto any Person whatsoever, any Corporal Oath, whereby he or she, shall or may be charged or obliged

to confess or accuse him or her self of any Crime or Offence, whereby he or she shall or may be liable to any Censure, Pain, Penalty or Punishment whatsoever, upon Penalty of Treble Damages, and One Hundred Pounds who shall offend therein.

3. Whereby Spiritual Judges then pretended, that altho' the Oath tending to the Defendant's confessing and accusing him or her self, was abolish'd by the Statute; yet they might tender, give and administer an Oath to the Defendant, in order to purge him or her self of any Crime or Offence, whereby he or she should be liable to any Censure, Pain, Penalty or Punishment whatsoever

4. Whereupon in the Thirteenth Year of the Reign of King Charles II. Chap. 12. Then and there, some doubt was made, that all ordinary Power of Correction, and proceedings in Causes Ecclesiastical, were taken away by the aforesaid Statute of Charles I. whereby an Act was then made to explain, that all ordinary Power of Correction and Proceedings in Causes Ecclesiastical were not taken away.

5. And this Statute of Charles II. also explains the meaning of the former Statute, touching the Defendant's being urged by the Spiritual Judge to accuse or purge him or her self, of any criminal matter or thing, whereby he or she may be liable to the Judge's Censures of Penalty or Punishment. Which Explanation Act is thus, (to wit) in Paragraph the Fourth.

6. *Provided also, and it is hereby further Enacted, That it shall not be lawful for any Arch-Bishop, Bishop, Vicar-General, Chancellor, Commissary, or any other Spiritual or Ecclesiastical Judge, Officer or Minister, or any Person having, or exercising Spiritual or Ecclesiastical Jurisdiction, to tender or administer to any person whatsoever, the Oath usually called the Oath ex Officio, or any other Oath; whereby such Persons to whom the same is tendred or administred, may be charged or compelled to confess or accuse, or to purge him or her self of any Criminal matter or thing, whereby he or she may be liable to Censure or Punishment; any thing in this Statute or any other Law, Custom or Usage, heretofore to the contrary hereof, in any wise notwithstanding.*

C

7. And

7. And now the Spiritual Judges are not content with their ordinary Power of Correction: For altho' the Oath tending to the Defendant's own Accusation and Purgation be prohibited by these Statutes; yet the said Spiritual Judges pretend that they may and will tender and administer a Purgation to the Defendant without his Oath, whereby he or she shall be liable to Censure and Punishment, as they were before these Statutes were made.

C H A P. IV.

Shewing a Sentence of Purgation given against me by a Spiritual Judge at *Chester*, and confirmed by another at *York*.

In the Name of God. Amen. *The Merits and Circumstances of a certain matter of Ecclesiastical Correction, which depends undetermined before us in Judgment, between Matthew Page, late Guardian or Church-Warden of the Parish-Church of Warrington, in the County of Lancaster, and Diocess of Chester, Promoter of this matter of the one part, and Peter Slynehead of the Parish of Prescott, and County aforesaid, against whom this Cause is promoted of the other part, being heard, seen and understood, and fully and maturely discussed by us Thomas Wainwright Doctor of Laws, Deputy in Spirituals, General and Official Principal of our Reverend Father in Christ, Lord Nicholas, by Divine Permission Lord Bishop of Chester, lawfully appointed in the Business, and between the Parties above-written rightly and lawfully appearing before us in Judgment, and the Parties aforesaid by their respective Proctors lawfully proceeding therein; and the Proctor of the said Matthew Page praying Sentence to be given, and Justice to be done for his Client, and the Proctor of the said Peter Slynehead also demanding and praying Sentence and Justice*
for

or his Client. And first, having searched the whole and entire Proceedings before us in this Cause, and diligently reviewed them, reserving to our selves those Matters and Things which by Law ought to be reserved to the pronouncing of our Definitive Sentence and final Decree, we proceed in Manner and Form following:

By Reason of the Acts enacted, deduced, alledged, exhibited, proved and confessed in this Cause, by diligent Search, we have clearly discovered and found the Intention of the Proctor of the said Matthew Page, to be deduced in certain Articles exhibited on this Behalf, dated and set forth; the Tenour of which Articles follows, and is thus, (to wit) In the Name of God, We Thomas Wainewright, Chancellor, and which Articles we have had and taken as herein read, repeated and incerted, and to have sufficiently and fully founded and proved the same, and nothing to have been proved, excepted, alledged, proposed, or exhibited on the Part and Behalf of the said Peter Slynehead; at least not so effectually as to hurt, or any ways to weaken the Intention of the said Matthew Page in this Behalf.

Therefore we Thomas Wainewright Judge and Official aforesaid, having first called on the Name of Christ, and having God alone before our Eyes, and together with the Council Learned in the Law, with whom we have communicated and maturely deliberated in this Behalf, that the aforesaid Peter Slynehead is, and hath been defamed, and vehemently suspected of the Crime of Adultery with one Katharine Cowfenstock, alias Pierson, by him acted and committed in the Years and Months mentioned in the Libel, as also accused, and truly detected before us of the said Crime, by the Church-Wardens of the Parish-Church of Warrington aforesaid, upon the Vertue of their Oaths, as also upon the Attestations of Witnesses produced, sworn and examined upon the Articles in this Behalf; and other likely Presumptions, accruing and intervening in this Matter.

We therefore pronounce, decree and declare, That the said Peter Slynehead seems to be guilty of committing the aforesaid wicked Act, with the aforesaid Katharine, and that he is to be Canonically corrected and punished, and to undergo and fulfill wholesome
and

and condign Punishment in this Behalf, and to acquaint us with the performance thereof, within a convenient Time to be assigned unto him: And if he does not fulfill and perform his lawful and Canonical Purgation, under the Hands of at least six of his honest and lawful Neighbours, who have very good Knowledge of the Life and Conversation of the aforesaid Peter Slynehead, according as the Law requires on that Behalf, before the Feast of St. John Baptist, next ensuing; which Purgation to be so made, we permit and suffer the said Peter to make before us, or any other competent Judge in this Behalf.

Then we pronounce, decree and declare, that the punishment aforesaid is to be inflicted and undergone, compelled and enforced by Lawful Remedies of the Law: We also pronounce, decree and declare, That the aforesaid Peter Slynehead, ought by Law to be condemned in Expence of Suit, made on Behalf of the aforesaid Matthew Page, and the same to be paid to him, or his Proctor; and we do condemn him accordingly by this our definitive Sentence and final Decree, which we pronounce and publish in these Writings; reserving to our selves, or any other competent Judge in this Behalf, the Taxation and Moderation of these Expences.

Read and Published by me

Thomas Wainewright.

C H A P. V.

Shewing the Reason why Spiritual Judges will offer the Defendant a Purgation.

1. **W**hen a Spiritual Judge has little or no proof against the Defendant, then he will offer him a Purgation; and if the Defendant doth not purge himself of the Crime objected, he doth accuse himself thereof, because the Judge will
convict

convict him guilty thereupon, and to publick Penance, with Cost of Suit.

2. When a Purgation is offered to the Defendant, and if he perform the same, then the Judge will condemn him in the Promoter's Cost of Suit : For even the very Tender of a Purgation always carries that Sting in the Tail of it, whether the Defendant perform it or not.

3. The Spiritual Judge will offer the Defendant a Purgation, when little or no Proof is made of the Crime presented and promoted, only to indemnify the Promoter thereof, and to damnify the Defendant therein.

4. The Judge will offer the Defendant a Purgation, because that if he dismiss the Defendant without offering him a Purgation, then the Defendant may have a good Action against the Promoter, in a Case of Slander and Defamation.

5. A Spiritual Judge will offer the Defendant a Purgation, because even the very Name of a Purgation, offered by a Spiritual Judge, will make the Defendant liable to the Judge's Censures of Penalty and Punishment.

6. Whereby a Spiritual Judge will offer the Defendant a Purgation on purpose to ensnare him therein; for if the Defendant did produce Witnesses, even the very same Men swearing the same things, as Compurgators do, that would not satisfy the Judge unless it were called a Purgation.

7. The Spiritual Judge would not be so forward in offering a Purgation, if the Defendant had the same Advantage against the Promoter, by performing his Purgation, as the Promoter hath against the Defendant therein.

8. And if the Judge's Tender of a Purgation were not more for the good of the Promoter, than for the Defendant, and the Health of his Soul, there would be no Need of any Statute Law to restrain the Judge from the Tender of a Purgation.

9. And for these Reasons, I would not perform the Purgation which Doctor *Wainwright*, the Judge, offered me; whereby he condemned me to publick Penance, and made me liable to his Censures of Penalty and Punishment.

10. And for these Reasons the Parliament made a Law to prohibit a Purgation; or if the Judge would offer the Defendant a Purgation, he should indemnify the Defendant therein, with One Hundred Pounds and Treble Damages.

CHAP. VI.

Shewing another Sort of Reasons why the Parliament made a Law to protect the Defendant from accusing or purging himself.

1. **B**Ecause the Defendant being charged, or obliged, to accuse or purge him or her self of any pretended Crime or publick Fame, was a Breach of the *Roman* Church and that Profession.

2. And the Defendants being of that Profession, and so defamed, were of that Faith, and believe that they ought to confess and accuse themselves before Men, that they might have an Absolution and a Pardon thereof.

3. Whereby the Spiritual Judges had Power to enforce the Defendant to confess, or accuse, or purge him or her self of any pretended Crime or Offence, altho' they were Professors of the Protestant Church of *England*.

4. Whereupon the said Statute of *Charles I.* Paragraph 1. expressly saith, that the same Law was made for the abolishing of all Foreign Power, tending to the Defendant's Purgation or his own Accusation.

5. Now the true meaning of Doctor *Wainewright's* Sentence, and his Intention therein was, That I should purge my self, and then he would dismiss me as innocent of the Crime objected, and condemn me to pay the Promoter a Sum of Money for prosecuting me falsely.

6. And

6. And his Intention was, That if I could not, or would not purge my self of the Crime objected, then he would condemn me guilty thereof, and to publick Pennance, besides paying the Promoter a Sum of Money for bringing me to Punishment, without Proof of any Default.

7. And for these Reasons the Parliament made a Law to save and defend the Professors of the Church of *England*, from the Practice of the *Roman* Church, and from all such Foreign Power, tending to the Defendant's own Accusation and Purgation.

CHAP. VII.

Shewing what Doctor Wainewright and some Men pretend concerning his Sentence of Purgation, and my Answer thereto.

1. **T**hey pretend that Doctor *Wainewright* did not actually tender me an Oath, and therefore have not incurred the Penalty of the Statutes, unless I had appeared before him, and he had actually tender'd me the Oath upon a Book.

2. And they pretend that Doctor *Wainewright* did not intend to give me an Oath, tending to my Purgation, but that my Compurgators must swear for me, in Order to purge me, and therefore he is not liable to the Penalties of the Statutes.

3. And they pretend that Doctor *Wainewright* did not enjoin nor enforce me to Purgation, but gave me the Choice of a Purgation, or publick Penance, and therefore have not incurred the Penalties of the Statutes.

4. To which I answer, That they may as well pretend, that Doctor *Wainewright* did not actually tender me publick Penance, nor did intend me to perform the same, unless I had appeared in the Church, and been actually imposed upon.

5. And

5. And they may as well pretend that Doctor *Wainewright* did not actually offer me to pay the Promoter's Cost of Suit, nor did intend me to pay the same, unless I had appeared in order thereto, and made an actual Tender thereof.

6. And they may as well pretend that Doctor *Wainewright's* Sentence was of no Power, nor of any Use, until I had actually made a Tryal thereof, and they had actually offered me to perform the same.

7. For what Reason should I go into the Church, and offer publick Penance, when I did not intend to perform it? Or why should I offer the Promoter his Cost of Suit, when I did not intend to pay him any?

8. And for what Reason should I offer to purge my self, or take an Oath in Order thereto, when I did not intend to fulfill the same? Or why should I seek Compurgators, and bring them Twenty Miles, when I did not intend to use them?

9. And why should I offer to know what Kind of Penance I must undergo, whether in a White Sheet, or other Garments, being all alike wrong to me?

10. And why should I be obliged to try the Judge whether I must perform my Purgation with an Oath, or without an Oath, being all alike Damage to me?

11. And it was impossible for a Spiritual Judge to enforce the Defendant, that he should actually perform his Purgation, because the Defendant could not enforce Men to be his Compurgators, neither could the Judge enforce Compurgators for the Defendant.

12. And altho' they pretend that Doctor *Wainewright* has not incurred the Penalties of the Statutes, by the Letter of the Law, I am confident that he has incurred the Penalties thereof, according to the Intention of the said Statute Law.

13. And whether I purged my self of the Fame, or did Penance for a Fact, and whatever became of my Soul, sink or swim, in Heaven or Hell, the Promoter's Cost of Suit must be paid, by his Sentence of Choice, even in Contempt of the Statutes.

[13]

14. If Doctor *Wainewright* had offered me a Purgation, or a clear Dismission, by his Sentence of Choice, and I had chosen a Purgation, then I grant that Doctor *Wainewright* ought not to be liable to the Penalties of the Statutes, because it was my own Choice.

15. But he had no other Reason to offer me a Purgation, but only to indemnify the Promoter in his Cost of Suit; neither had he any other Reason to offer me a Purgation, but only to indemnify the Promoter in his Cost of Suit, neither had he any other Reason to enjoin me publick Penance, but only because I did not perform my Purgation, and pay the said Cost of Suit.

CHAP. VIII.

*Shewing the Nature of Doctor Wainewright's
Tender of Purgation, whether with an Oath, or
without an Oath, and his Intention therein.*

1. **D**OCTOR *Wainewright* knew by the Statutes, and the Intention thereof, that none of the Queen's Subjects should be damnified by the Tender of a Purgation, whether with an Oath or without an Oath.

2. For he knew that laying a Hand upon a Book, or kissing a Book, could not damnify the Defendant, but the Performance of a Purgation, whether with an Oath, or without an Oath, damnifieth the Defendant.

3. For he knew that by the very Tender of his Purgation, I became liable to all his Censures of Penalty and Punishment, whether I did perform the Purgation or not, or whether I was sworn or not.

4. And Doctor *Wainewright* knew that his Sentence of Purgation was a final Decree, whether with an Oath or without an Oath. It was fatal to me in all Things, that ever did attend a Purgation.

E

5. For

5. Doctor *Wainwright* knew that his Sentence of Purgation, was a stronger Tender thereof, than any Tender of Purgation could be by his Word of Mouth, altho' it were tender'd in open Court.

6. For Doctor *Wainwright* offered me a Purgation in open Court, by Word of Mouth; yet that Offer was not impossible to be revoked and I dismissed without enjoying publick Penance.

7. But his Sentence of Purgation was a final Decree; and he had no Power to revoke his own Sentence, nor any ways to alter the Tenor thereof, nor to decline his Intention therein.

8. Doctor *Wainwright* had no Reason to think that the Parliament made a Law, only to prohibit the Defendant's Oath, tending to his Purgation, whereby such a Law might be intended to keep the Defendant from false swearing.

9. But that was very unlikely, and no Danger of the Defendant's swearing falsely, to accuse himself unjustly, whereby he became liable to the Judge's Censures of Penalty and Punishment.

10. And there was little or no Danger of the Defendant's swearing falsely to purge himself, because he could not purge himself from the Promoter's Cost of Suit, whatever he did swear.

11. And suppose a Defendant should swear falsely to purge himself, for what Reason should the Judge pay Treble Damages, and One Hundred Pounds to that Defendant, for his false swearing?

12. Whereby it is plain by the Statutes, that they were made and intended to indemnify the Defendant from a Purgation, whether with an Oath, or without an Oath, as aforesaid.

13. Altho' the Parliament mentioned the Oath tending to a Purgation, not thinking that the Spiritual Judges would invent a new way of Purgation to the Defendant without his Oath.

14. And if an Ecclesiastical Judge will act contray to their Ecclesiastical Law, and thereby invent new Ways to violate the Statute Laws, well may the Parliament invent a Way to make him liable to the Penalties of the said Stautes for his Crime of new Invention, and for his evil Intention.

CHAP. IX.

Shewing the Nature of Doctor Wainwright's Sentence of Choice, and his Intention therein.

1. **T**HE Defendant always had that Choice which Doctor *Wainwright* offered me, whether the Judge would or not, when a Purgation was offered or enjoined to the Defendant, before these Statutes were made.
2. For when a Purgation was enjoined or enforced upon the Defendant, the Judge could not Excommunicate the Defendant for his Default therein, or Contempt thereof, but enjoin him publick Penance.
3. So that the Defendant might choose whether he would perform his Purgation or not when it was enjoined him, because publick Penance and Cost of Suit was the worst that could be enforced.
4. Just as Doctor *Wainwright* has enforced me to a Purgation, or publick Penance and Cost of Suit, altho' he pretends his Sentence to be a Sentence of Choice, and a cunning Choice.
5. For if I had purged my self according to his Sentence of Choice, or had offered so to do, then he would pretend that he had not incurred the Penaltys of the Statutes, in tendering me a Purgation, because I took my own Choice.
6. So that if Ten Thousand honest Men were prosecuted before Doctor *Wainwright*, and he offered them such a Choice as he offered me, not one of them could escape his Censures of Penalty and Punishment.
7. Neither could the said Statutes do them any good, nor any Defendant in *England*, unless the Judge be liable to the Penaltys thereof, for enforcing such an unlawful Choice.
8. For suppose there were a Law that no Judge should condemn a Man to be burned in the Face for a pretended suspicion

tion of Theft, and the Judge offer the Defendant to burn himself, or be hanged, is not the Defendant enforced to an unlawful Choice?

9. Because the Defendant must carry the Mark of a suspected Thief, just as I must carry the Mark of a suspected Criminal. For if the Judge had no Reason for a Suspition, I had no Reason for a Purgation.

10. And altho' Doctor *Wainwright* colours his Sentence with a pretended Choice, he knew that I was bound to his Censures of Penalty and Punishment in both Choices; for he gave me no Choice to avoid paying the Promoter's Cost of Suit.

11. Whereby I could offer Doctor *Wainwright* a Hundred Choices, which he would dislike, and I but wish to offer him Two of them: So that he might be obliged to do whether he likes the better.

12. That is, to pay me the Penaltys of the Statutes voluntarily, or do Penance in the Pillory until he do pay them, or cause them to be paid, according to the Intention of that Law.

C H A P. X.

Being some Questions humbly offered to the Consideration of both Houses of Parliament, touching the Tender of a Purgation.

1. **W**Hether had the King and Parliament Power to make these Statutes for the prohibiting of a Purgation and the Tender thereof?

2. Whether are these Statutes for the prohibiting of a Purgation a Law, or no Law? And whether should they be of use or no use?

3. For

3. For what Reason, or for whose Agrievance were these Statutes made, and afterwards explained, touching a Purgation?

4. Whether were these Statutes made in Favour of the Judge, or of the Promoter, or of the Defendant, touching a Purgation?

5. What did the King and Parliament intend by these Statutes, for the prohibiting of a Purgation, and the Tender thereof?

6. whether did they intend only to prohibit the Oath tending to a Purgation, or also intend to prohibit the performing of a Purgation?

7. Whether was a lawful and Canonical Purgation tendered to the Defendant upon his Oath, or without his Oath, before these Statutes were made?

8. And whether did Doctor *Wainewright* intend to give me an Oath, in Order to my Lawful and Canonical Purgation, or not?

9. Whether was it not the Performance of a Purgation which damnified the Defendant, whether it was with an Oath or without an Oath?

10. Whether was Doctor *Wainewright's* Sentence of Purgation tendered in the same Method as a Purgation was before these Statutes were made for the prohibiting of a Purgation?

11. And whether was his Sentence of Purgation tendered by a new Invention of Choice, since the Statutes were made for the prohibiting of a Purgation?

12. And whether did he intend his Sentence of Purgation, by his new Invention of Choice, to be for the Health of my Soul, or for paying the Promoter's Cost of Suit?

13. Whether was not Doctor *Wainewright's* Sentence of Purgation of the same Weight for me, in dismissing me to be innocent if I did perform my Purgation, as any Tender of Purgation was before these Statutes were made?

14. And whether was not this Sentence of Purgation of the same Weight against me, as to matter of Fact in condemning me to be guilty if I did not perform my Purgation, as any Tender of Purgation was, before these Statutes were made?

15. And whether was not his Sentence of Purgation of the same Weight against me, as to matter of Damage, in condemning me in the Promoter's Cost of Suit, as any tender of Purgation was before these Statutes were made?

16. Whether was not I bound by Doctor *Wainwright's* Sentence of Purgation, to all his Censures of Penalty and Punishment, as ever any Defendant was by a tender of Purgation, before these Statutes were made?

17. Which way could I avoid Doctor *Wainwright's* Censures of Penalty and Punishment, altho' I had purged my self with an Oath, or without an Oath, or refused them both; according to his Sentence of Choice?

18. And what could I have done, in order to make Doctor *Wainwright* more liable to the Penalties of the Statutes, and have left him without a pretended Excuse for himself?

19. And what good can these Statutes do the Party grieved, by the Judge's tender of a Purgation, if Doctor *Wainwright* have not Incurred the Penalties thereof, by his Sentence of Choice?

20. What Reason can be shewn why a Purgation should not be prohibited, but only that the Judge cannot Indemnify the Promoter of his Office, but by offering the Defendant a Purgation when they have no proof against him?

21. And I demand of Doctor *Wainwright* to shew me the Law, and Proof, and Matter of Fact, whereby he offered me a Purgation; and whether he enjoined me publick Penance upon the same Reasons, or because I would not perform the Purgation he offered me?

C H A P. XI.

Shewing what some Men may suggest, who know not Doctor Wainewright's Proof against me, and my Answer thereto.

1. **T**hey may suggest that Doctor *Wainewright* had some Proof against me, tending to Matter of Fact, and therefore would shew me the favour of a Purgation, in order to purge my self of the things proved.

2. To which Suggestions I answer, That Doctor *Wainewright* was far from shewing me any Favour therein, or doing me any Justice, according to Law, either Spiritual or Temporal.

3. For he had no Proof against me of any immodest Behaviour, nor that ever I was with any immodest Company, neither had he any Proof against me tending thereto.

4. Whereupon he was informed by Doctor *Boucher* of *Oxford*, under his Hand in Writing, before Sentence was given, that there was no Colour of Proof of either Fact or Fame.

5. And Seventeen of the Queen's Judges Delegates, being Lord Bishops and Common Law Judges, with Doctors of the Civil Law, did all agree that Purgation was prohibited by the Statutes.

6. And they did also agree, that Doctor *Wainewright* had no Proof against me; tending to offer a Purgation, if a Purgation had been lawful to be offered, and not prohibited by the Statutes.

7. But I know Doctor *Wainewright's* Proof, and Law, and his Sentence of Choice, tending to a Purgation or publick Penance, better than any Man in *England*, by woful Experience.

8. Whereupon I posted Doctor *Wainewright* in the City of *Chester*, and in several other places, that I would give him, or
any

any other Man, One Hundred Pounds to shew me any lawful Proof for his Sentence against me.

9. And I do hereby publicly declare, that I will give Doctor *Wainwright*, or any other Man in *England*, One Hundred Guineas, to shew me any Law, or Proof, or Matter of Fact, to justify his Sentence of Choice, and Cost of Suit.

10. Yea, I will give Doctor *Wainwright* Ten Guineas, to answer me these Questions in the last Chapter under his Hand in Writing, only to shew the Nature of his own Sentence, and his Intention therein.

11. Because he locked me more securely to his Censures of Penalty and Punishment, by his Tender of a Purgation, than any condemn'd Malefactor was ever locked in Prison, until the Time of Execution.

12. For sometimes a condemned Malefactor breaks the Prison, and so gets out, but a condemn'd Malefactor did never break a Spiritual Judge's Sentence, and so get loose.

13. And sometimes a convicted Criminal obtains a Reprieve from a Temporal Judge, and so gets loose; but a convicted Criminal never did obtain a Reprieve from a Spiritual Judge, and so get loose.

14. If Doctor *Wainwright* had Proof against me of any Matter of Fact, why did he offer me a Purgation? And if he had no Proof against me of a Fact, why did he offer me publiick Penance? And if he had no Proof of either Fact or Fame, why did he give me a Sentence of Choice?

15. A Spiritual Judge never did offer a Purgation in Favour of the Defendant; for when the Defendant had a Mind to purge himself, he requested the Judge in Order thereto, and then the Judge did permit a Purgation in Favour of the Defendant.

C H A P. XII.

Shewing what some Men may pretend, touching an Act of Explanation, in Order to prevent a Purgation, and my Answer thereto.

1. **S**ome Men may pretend that Doctor *Wainewright* hath not incurred the Penalty of the Statutes, by his Sentence of Choice, nor by his Tender of an Oath, tending to a Purgation.

2. And they may pretend that he should not incur the Penalty of any Statute, for a Crime of a new Invention, until he be guilty thereof, at after a Law be made to prohibit the same Invention.

3. To which Pretence I answer, that if Spiritual Judges may contrive new Inventions to violate the Law and the Intention thereof, and not incur the Penalties of the said Law.

4. By that Rule the Parliament may never come home, but make new Laws and Explanation Acts every Year and every Month, to little or no purpose.

5. But if a Man act contrary to Bargain, Law or Custom, by some cunning Invention, intending to wrong and defraud People of their Right, he has been convicted guilty thereof.

6. Wherefore if Doctor *Wainewright* tendered me a Purgation, as their Practice of Damage was, before these Statutes were made, then he is liable to the Penalties thereof.

7. And if he tendered me a Purgation by a new Invention of Damage, since these Statutes were made, then he is or should be guilty of the Penalties thereof.

8. Know ye that if these Statutes for the preventing of a Purgation was then right for the King's Subjects, they cannot be now wrong for the Queen's Subjects.

9. And if the Parliament did not then make a light matter of tendering the Defendant a Purgation, but convicted the Judge to pay the agrieved Party Treble Damages, and One Hundred Pounds.

10. Why should the Parliament now make a light matter of the Spiritual Judge tendering a Purgation to the same Damage, as before these Statutes were made.

C H A P. XIII.

Shewing my humble Petition to both Houses of Parliament, touching the Tender of a Purgation, and the prohibiting thereof.

1. **M**Y Lords Spiritual and Temporal and Commons of this present Parliament; I do not desire any new Law, touching any new Matter, but a better Explanation of a publick Act for the publick Good, in order to abolish a Purgation, and the Tender thereof.

2. Altho' I will not say that the Statutes tending to prohibit a Purgation is defective, and for that Reason wants an Act for the better Explanation thereof.

3. But I find that the Spiritual Judges do render them defective and ineffectual, whereby they want an Act for the better Explanation thereof.

4. Neither will I pretend the Statutes wants explaining, that Spiritual Judges may know the Intention thereof, but that they should obey the Intention thereof, or suffer thereby.

5. Wherefore explain the Intention of the Clauses in the said Statutes, in all Things tending to a Purgation; and for the prohibiting the Tender thereof, by any of the Spiritual Judges.

6. Which may be worded to this Effect; That no Spiritual Judge shall offer or tender any manner of Expressions to a Defendant,

feñdant, tending to his Purgation, neither by Word of Mouth nor by his Sentence in Writing.

7. Reciting the former Statutes, and the Penalties thereof, touching the Tender of a Purgation, and bearing the same Date of the First Day of *August* One Thousand Six Hundred Forty and One.

8. Also explain whether the Party agrieved by the Judge's Tender of a Purgation, shall recover his Cost of Suit from the Judge, in proceeding against him for the Penalties of the Statutes.

9. For if the Judge be not taxed in Cost of Suit, he may put the agrieved Party to more Expence than the Penalty of the Statutes will amount unto; whereby the Party may be ruined, instead of being indemnified.

10. Will any of the Members in Parliament who are Professors of the Church of *England*, reject or discountenance the Statute Law made to prohibit all Foreign Power, tending to a Purgation, and the Defendant's own Accusation?

11. Know ye what some Men pretend that I should not print nor publish scandalous Books and Pamphlets against Spiritual Judges, but take lawful measures against them, whereby you may consider that I should have a Law to proceed upon.

12. And if the Parliament did prohibit a Purgation for any other Reason, but only to indemnify the Defendant therein, then they had taxed the Judge to pay One Hundred Pounds to the King or to the Informer, or the poor of the Parish, as in other Cases of Fines and Penalties.

13. But in this Statute the Parliament expressly taxes the Judge to pay the Party agrieved by a Purgation One Hundred Pounds and treble Damages; which Statutes they thought and did intend to be effectual.

14. And the least Hint or Motion from a Spiritual Judge tending to the Defendant's Purgation of what kind soever, should be adjudged a Tender thereof if publick Penance be enjoined thereupon, or else the Statutes for prohibiting a Purgation signify nothing.

F. I. N. I. S.

62ms
1/11/52

...by his Sentence in Writing.

of the first day of August One thousand six hundred forty

8. Also explain whether the Party aggrieved by the Judge's
Tender of a Purgation, shall recover his Cost of Suit from the
Judge, in proceeding against him for the Penalties of the Sta-

Q. For if the Judge do not take in Court of his, he may put the original Party to more Expence than the Penalty of the Statute will amount unto; whereby the Party may be ruined in case of being condemn'd.

[illegible]

11. Now we shall turn to the question of the
relationship between the two groups of
the population. It will be shown that
the two groups are not only different
in their composition but also in their
social and economic position.

1. The first of these is the fact that the
2. second of these is the fact that the
3. third of these is the fact that the
4. fourth of these is the fact that the
5. fifth of these is the fact that the
6. sixth of these is the fact that the
7. seventh of these is the fact that the
8. eighth of these is the fact that the
9. ninth of these is the fact that the
10. tenth of these is the fact that the

1. The first of these is the fact that the system is not a simple one. It is a complex system, and the results of the experiments are not always as expected. This is due to the fact that the system is not a simple one, and the results of the experiments are not always as expected.

1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 26

21414